

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RICHARD OLMO

-v-

COMMISSIONER OF SOCIAL SECURITY,

No. 20-CV-8661-LTS-KNF

Defendant.

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ORDER

To conserve resources, to promote judicial efficiency, and in an effort to achieve a faster disposition of this matter, it is hereby ORDERED that the parties must discuss whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further proceedings before the assigned Magistrate Judge, **within two weeks of the date of this order**. If the parties consent to having the Magistrate Judge decide the case, the Magistrate Judge replaces the District Judge, thereby speeding up the resolution of the case (because only one judge instead of two will be involved in the case). Any appeal from a Magistrate Judge's decision following consent is directly to the United States Court of Appeals for the Second Circuit in the same way that an appeal from a District Judge's decision would be taken. By contrast, if the parties do not consent to having the Magistrate Judge decide the case, the Magistrate Judge will first issue a Report and Recommendation, and the District Judge will then consider any objections either party has to the Report and Recommendation before a final judgment is entered, at which point an appeal to the Second Circuit could be taken.

If both parties consent to proceed before the Magistrate Judge, counsel for Defendant must, **within two weeks of the date on which the parties confer and consent**, file with the Clerk of Court a fully executed Notice, Consent, and Reference of a Civil Action to a Magistrate

Judge form, a copy of which is attached to this Order (and also available at <https://www.nysd.uscourts.gov/node/754>) (the form may be executed and submitted in counterparts). If the Court approves that form, all further proceedings will then be conducted before the assigned Magistrate Judge rather than before the undersigned.

If you do not consent to having the Magistrate Judge decide your case, there will be no adverse consequences. If either party does not consent to conducting all further proceedings before the assigned Magistrate Judge, counsel for the Defendant must file a letter, **within two weeks of the date on which the parties confer**, advising the Court that the parties do not consent, **but without disclosing the identity of the party or parties who do not consent**.

SO ORDERED.

Dated: New York, New York  
June 11, 2021

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
Chief United States District Judge

**UNITED STATES DISTRICT COURT**  
 for the  
 Southern District of New York

<u>RICHARD OLMO</u> <i>Plaintiff</i> v. <u>COMMISSIONER OF SOCIAL SECURITY</u> <i>Defendant</i>	) ) ) ) ) Civil Action No. 20- CV -8661-LTS-KNF ) )
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**NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE**

*Notice of a magistrate judge's availability.* A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

*Consent to a magistrate judge's authority.* The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

*Parties' printed names*

*Signatures of parties or attorneys*

*Dates*

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**Reference Order**

**IT IS ORDERED:** This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: Click or tap here to  
enter text.

*District Judge's signature*

Laura Taylor Swain, Chief U.S.D.J.

*Printed name and title*

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.